



Comptroller General  
of the United States

Washington, D.C. 20548

Gordon  
147604

## Decision

**Matter of:** Kaiser Engineers Hanford Company--Request for  
Declaration of Entitlement to Costs

**File:** B-249367.5

**Date:** September 14, 1992

Kenneth B. Weckstein, Esq., Epstein Becker & Green, P.C.,  
for the protester.

Daniel I. Gordon, Esq., and Paul Lieberman, Esq., Office of  
the General Counsel, GAO, participated in the preparation of  
the decision.

### DIGEST

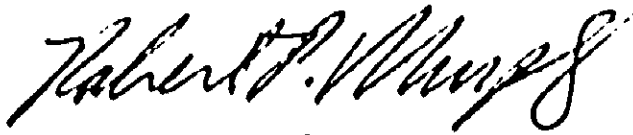
Protester is not entitled to award of the costs of filing  
and pursuing its protest where the agency determined to take  
corrective action within 3 weeks of the filing of the  
protest.

### DECISION

Kaiser Engineers Hanford Company requests that our Office  
declare the firm entitled to recover the reasonable costs  
of filing and pursuing its protest concerning request for  
proposals (RFP) No. DE-RP06-92RL12359, issued by the  
Department of Energy (DOE). Kaiser filed its protest,  
B-249367.5, July 9, 1992; by letter of July 28, the agency  
advised our Office and the parties that it would take  
corrective action. As a result, we dismissed the protest as  
academic. On August 11, the protester filed a claim with  
our Office for the costs of filing and pursuing its protest.

Pursuant to our Bid Protest Regulations, where the  
contracting agency decides to take corrective action in  
response to a protest, we may declare the protester to be  
entitled to recover reasonable costs of filing and pursuing  
its protest, including attorneys' fees. 4 C.F.R. § 21.6(e)  
(1992). Our regulations do not require that we award  
protest costs in every case in which an agency takes  
corrective action in response to a protest. Rather, our  
intent is to award costs where, based on the circumstances  
of the case, we find that the agency unduly delayed taking  
corrective action in the face of a clearly meritorious  
protest. Here, the agency provided notice of its decision  
to undertake corrective action within 3 weeks of the filing  
of the protest. Such action taken early in the protest

process is precisely the kind of prompt reaction that our regulation is designed to encourage. It provides no basis for a determination that the payment of protest costs is warranted. See KIME Enters., Inc.--Request for Declaration of Entitlement to Costs, B-241996.5, Dec. 9, 1991, 91-2 CPD ¶ 523. Accordingly, Kaiser's request for a declaration of entitlement to costs is denied.

  
for James F. Hinchman  
General Counsel